

May 17, 1999

**DURHAM, NORTH CAROLINA
MONDAY, MAY 17, 1999
7:30 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chamber at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Absent: None.

Also present: City Manager P. Lamont Ewell, City Attorney Henry Blinder, City Clerk Margaret M. Bowers and Deputy City Clerk D. Ann Gray.

Mayor Tennyson called the meeting to order and at this time, Mayor Pro Tempore Clement acknowledged the presence of Boy Scout Troop #451, West Minister Presbyterian.

The Durham Police Choir rendered two selections for the council and audience. It was noted that the Choir performed recently at the National Law Enforcement Officers Memorial Ceremony in Washington, DC.

Police Chief Chambers thanked the City Manager, corporate and individuals sponsors for their support of the Police Choir and Honor Guard. Police Chief Chambers presented the Chief's Award and the National Law Enforcement Officers Memorial Service Ribbon to each member of the choir. Also, Certificates of Appreciation were presented to the Mayor and Council Members who attended the ceremony in Washington, DC on May 13, 1999.

The Mayor and Council Members thanked the Durham Police Choir for their excellent performance in Washington.

Mayor Tennyson asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Ewell made a presentation on the FY 1999-2000 Preliminary Budget.

SUBJECT: FISCAL YEAR 1999-2000 CITY OF DURHAM PRELIMINARY BUDGET

MOTION by Council Member Larson seconded by Council Member Blyth to receive the budget message from the City Manager; and

To receive the FY 1999-2000 City of Durham Preliminary Budget (to be distributed at the May 17, 1999 City Council meeting); and

To direct the City Clerk to maintain a copy of the FY 1999-2000 City of Durham Preliminary Budget in the Office of the City Clerk, where it shall remain available for public inspection until the budget ordinance is adopted; and

To direct the City Clerk to make a copy of the FY 1999-2000 City of Durham Preliminary Budget available to the news media in Durham County; and

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To set a public hearing on Monday, June 7, 1999 at 7:30 p.m. in the City Council Chambers at which time any persons who wish to be heard on the Budget may appear; and

To refer the FY 1999-2000 City of Durham Preliminary Budget to the Finance Committee was approved at 8:54 p.m. by the following vote:

Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

There were no priority items from the City Attorney and City Clerk.

The Mayor asked if any council member(s) or citizen(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. It was noted that Consent Item 6 [Passenger Vehicles for Hire] was pulled from the Consent Agenda at the Committee-of-the-Whole Meeting.

MOTION by Council Member Larson seconded by Council Member Miller to approve the Consent Agenda as amended was approved at 8:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

[CONSENT AGENDA]

SUBJECT: USE OF CONTROLLED SUBSTANCE ABUSE FUNDS AND FEDERAL ASSET FORFEITURE FUNDS

MOTION by Council Member Larson seconded by Council Member Miller to authorize the use of Controlled Substance Abuse Funds and Federal Asset Forfeiture Funds in a combined amount not to exceed \$75,740 to purchase supplies and equipment was approved at 8:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: REQUEST TO AUTHORIZE AMENDING THE EXISTING LETTER OF AGREEMENT WITH ARNOLD & PORTER TO PROVIDE TELECOMMUNICATIONS CONSULTING SERVICES TO THE CITY OF DURHAM

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to amend the Letter of Agreement with Arnold & Porter to provide cable franchise consulting services to include providing telecommunications consulting services and to increase the amount of the agreement by \$40,250

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was approved at 8:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: JOB TRAINING PARTNERSHIP PLAN MODIFICATION 1999

MOTION by Council Member Larson seconded by Council Member Miller to approve the Job Training Partnership Act Plan Modification for Program Year 1999--July 1, 1999 through December 31, 1999; and

To authorize the Mayor to execute the Concurrence Sheet affirming the review, approval and submission of the modification was approved at 8:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: FINAL APPROVAL - 1996 HOUSING BOND FUNDS - RESERVATION OF FUNDS FOR SELF HELP COMMUNITY DEVELOPMENT CORPORATION - \$240,000

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a Reservation of Funds Agreement with Self Help Community Development Corporation (SHCDC), Inc. in an amount not to exceed \$240,000 from 1996 Housing Bond funds, and to make minor changes to the Reservation of Funds Agreement as are consistent with the 1996 Housing Bond Program requirements approved by City Council; and

To determine and find that mortgage loans for this homeownership project are not otherwise available, wholly or in part, from public or private lenders, upon equivalent or reasonably equivalent terms and conditions was approved at 8:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: PRELIMINARY ALLOCATION OF HOME CHDO FUNDING TO EAGLE VILLAGE COMMUNITY DEVELOPMENT CORPORATION FOR THE DEVELOPMENT OF AFFORDABLE HOMEOWNERSHIP OPPORTUNITIES TO BENEFIT PERSONS AT 80% MEDIAN INCOME OR LESS

MOTION by Council Member Larson seconded by Council Member Miller to allocate up to \$165,400 of Federal HOME CHDO funds to Eagle Village with up to \$124,050 of these funds to be used for acquisition/construction financing followed by permanent second mortgage financing, and \$41,350 of the funds to be used for an Operating Grant; and

To determine and find that funding for this affordable housing

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project is not otherwise available, wholly or in part, from public or private lenders upon equivalent or reasonably equivalent terms and conditions was approved at 8:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: LEGISLATION REGARDING ALCOHOL BEVERAGE CONTROL PERMITS

MOTION by Council Member Larson seconded by Council Member Millerto receive a status report from the Administration; and

To adopt a "Resolution in Support of Local Governments Having Authority to Determine the Suitability of a Location for an Alcohol Beverage Control Permit Issued by the State of North Carolina" was approved at 8:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: LIVE FIRE TRAINING EXERCISE - 2024 SOUTH ALSTON AVENUE

MOTION by Council Member Larson seconded by Council Member Miller to approve a request to burn the structure located at 2024 South Alston Avenue on May 28, 1999 for a live fire training exercise was approved at 8:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: REPORT ON DURHAM CITY ORDINANCES RELATING TO NOISE, LOITERING, AND TRESPASSING IN PUBLIC PARKING GARAGES

MOTION by Council Member Larson seconded by Council Member Miller to receive a report from the Administration on Durham City ordinances relating to noise, loitering and trespassing; and

To adopt an "Ordinance to Amend Section 12-9 of the Durham City Code Relating to Entry and Assembly in City Owned or Operated Parking Facilities"; and

To adopt an "Ordinance to Amend Section 11-1(a) and (b) of the Durham City Code Relating to Noise" was approved at 8:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: SETTING PUBLIC HEARING ON PROPOSED CHANGES TO THE MINIMUM HOUSING CODE

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MOTION by Council Member Larson seconded by Council Member Miller to set a public hearing on Monday, June 7, 1999 to hear citizens' comments on the following proposed changes to the Minimum Housing Code to:

- a. set a temperature variance limit for heat in residential units;
- b. set a minimum for electrical service at 100 amp service;
- c. require exterior doors be solid doors--not hollow core doors;
- d. require dead bolts on exterior doors;
- e. clarify the public officer's authority under the Code to order the repair of dwellings which are not in compliance with the Code; and
- f. correct an error in the original text concerning the requirement for out-of-town property owners to have a local registered agent

was approved at 8:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: DRAFT AIR QUALITY ACTION PLAN

MOTION by Council Member Larson seconded by Council Member Miller to approve the Air Quality Action Plan and to authorize the implementation of the measures outlined in the Plan was approved at 8:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: BROWN WATER TREATMENT PLANT - PILOT PLANT/MAINTENANCE BUILDING AND SITE IMPROVEMENTS - W. T. LAWRENCE, INCORPORATED

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a contract with W. T. Lawrence, Incorporated in the amount of \$438,450 for the pilot plant construction, and to authorize the City Manager to execute any Change Orders necessary was approved at 8:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: REPORT ON TIDEWATER FIBRE CORPORATION RECYCLING CONTRACT

MOTION by Council Member Larson seconded by Council Member Miller to receive a report on the status of the Tidewater Fibre

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Corporation Recycling Contract was approved at 8:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: SANITARY SEWER FLOW MONITORING NETWORK IMPROVEMENTS -
ADS ENVIRONMENTAL SERVICES**

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a five-year service contract in the amount of \$591,835 with ADS Environmental Services for sanitary sewer flow monitoring network improvements, and

To authorize the expenditure of \$78,595 from the Sewer Rehabilitation Account for fiscal year 1998-99 was approved at 8:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: WATER AND SEWER EXTENSION PROCEDURES

MOTION by Council Member Larson seconded by Council Member Miller to receive a report from the Administration concerning water and sewer extension procedures was approved at 8:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: LICENSE AGREEMENT WITH PETULA ASSOCIATES, LTD. FOR
IRRIGATION LINES - EMPEROR BOULEVARD**

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a License Agreement with Petula Associates, Ltd. for the installation of a private irrigation line within the public right of way of Emperor Boulevard was approved at 8:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: WATER AND SEWER EXTENSION AGREEMENT WITH ELI BROWN,
INCORPORATED - HARDEE STREET**

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a Water and Sewer Extension Agreement with Eli Brown, Incorporated to serve a portion of Hardee Street was approved at 8:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement

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and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: WATER AND SEWER EXTENSION AGREEMENT WITH ROBERTS CONSTRUCTION COMPANY - DOMINION, DAVIDSON AND LINDBERGH STREETS

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a Water and Sewer Extension Agreement with Roberts Construction Company to serve portions of Dominion, Davidson and Lindbergh Streets was approved at 8:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: WATER AND SEWER EXTENSION AGREEMENT WITH ROBERTS CONSTRUCTION COMPANY - CADILLAC AVENUE AND PACKARD STREET

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a Water and Sewer Extension Agreement with Roberts Construction Company to serve portions of Cadillac Avenue and Packard Street was approved at 8:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: RESCINDING RESOLUTION ORDERING OF IMPROVEMENT - SIDEWALK ON LIBERTY STREET (SOUTH SIDE) FROM RAILROAD STREET TO ALSTON AVENUE

MOTION by Council Member Larson seconded by Council Member Miller to rescind the resolution ordering the installation of a sidewalk on Liberty Street (south side) from Railroad Street to Alston Avenue was approved at 8:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: Water Main - Beck Road from East Geer Street to Beauford Road (Mini Assessment Roll) - PROPERTY OF MYRTLE S. MANGUM

MOTION by Council Member Larson seconded by Council Member Miller to find that the property of Myrtle S. Mangum, identified as Tax Map #700-2-16, Beck Road, Part of Lot 11, vacant, has benefited from the water main improvement and to confirm the assessment in the amount of \$1,335.60 was approved at 8:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and

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Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: RESOLUTION HONORING ERICA C. QUICK

MOTION by Council Member Larson seconded by Council Member Miller to direct the City Clerk to draft a resolution honoring Erica C. Quick was approved at 8:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - GREYCLIFF SUBDIVISION

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance establishing a speed limit of 25 mph at the following locations was approved at 8:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- 1) Weatherby Drive from Clayton Road to end of street,
- 2) Maymount Drive from the 200 block to end of street, and
- 3) Chadbourne Drive from Weatherby Drive to end of street.

SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - INDEPENDENCE PARK

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance establishing a speed limit of 25 mph at the following locations was approved at 8:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- 1) Capitol Street beginning at the north curb line of Pacific Avenue, if extended, and extending northward to the end of city maintenance;
- 2) Medical Park Drive beginning at the north curb line of Ben Franklin Boulevard, if extended, and extending northeastward to the west curb line of Technology Drive;
- 3) Freedom Lake Drive beginning at the east curb line of Capitol Street, if extended, and extending southward to the north curb line of Ben Franklin Boulevard; and
- 4) Technology Drive beginning at the north curb line of Ben Franklin Boulevard, if extended, and extending northward to the end of city maintenance.

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SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - LATHROP STREET

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance establishing a speed limit of 25 mph on Lathrop Street beginning at the east curb line of Guthrie Street, if extended, and extending eastward to the west curb line of Brye Street was approved at 8:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - DUKE HOMESTEAD ROAD

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance establishing a speed limit of 25 mph on Duke Homestead Road beginning at the east curb line of Guess Road, if extended, and extending northeastward to Carver Street was approved at 8:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: NO PARKING - SURLS COURT

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance establishing no parking at any time on the south side of Surl's Court beginning at the east curb line of Miami Boulevard, if extended, and extending eastward to the end of city maintenance was approved at 8:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: PARKING - TUCKER STREET

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance to repeal Ordinance #11564, adopted September 8, 1998, prohibiting parking at any time on the west side of Tucker Street between Dowd Street and Lyric Street was approved at 8:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: STOP SIGN - AUDUBON PARK

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 8:57 p.m. by the

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following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- 1) Beech Slope Way at Whisperwood Drive, southwest corner; and
- 2) Gingerwood Lane at Whisperwood Drive, southwest corner.

SUBJECT: STOP SIGNS - BRIARDALE SUBDIVISION

- 1) **MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 8:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- a) Pearce Place at Bardeck Drive, northeast corner; and
- b) Bardeck Drive at Briardale Lane, north corner.

- 2) **MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of a stop sign on Ventoria Road at Briardale Lane, northwest corner was approved at 8:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: STOP SIGN - COLE POND SUBDIVISION

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of a stop sign on Leathers Court at East Oak Drive, southwest corner was approved at 8:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: STOP SIGNS - GREENWAY AT AMERICAN VILLAGE

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 8:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- 1) McKinley Street at Constitution Drive, northeast corner;

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- 2) Vinson Place at McKinley Street, northwest corner;
- 3) Arthur Lane at McKinley Street, northwest corner; and
- 4) Sturdivant Road at McKinley Street, northwest corner.

SUBJECT: STOP SIGN - HERITAGE HEIGHTS

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of a stop sign on Laurent Drive at Imperial Drive, northwest corner was approved at 8:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: STOP SIGN - LINCOLN PARK WEST

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of a stop sign on Presidential Drive at South Miami Boulevard, northeast corner was approved at 8:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: STOP SIGNS - MARBREY LANDING

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 8:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- 1) Thislerock Lane at Armitage Drive, northwest corner;
- 2) East Lilyfield Court at Thislerock Lane, northeast corner;
and
- 3) West Lilyfield Court at Thislerock Lane, southwest corner.

SUBJECT: STOP SIGNS - SOUTHSORE AT GROVE PARK

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 8:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- 1) Venetia Cove at Southshore Parkway, southeast corner;
- 2) Southshore Parkway at Southshore Parkway, southwest corner;

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- 3) Lakeridge Cove at Southshore Parkway, southeast corner; and
- 4) Gunston Lane at Southshore Parkway, southeast corner.

SUBJECT: STOP SIGNS - WYNDCROSS

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 8:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- 1) Somerknoll Drive at Herndon Road, southeast corner;
- 2) Winding Arch Drive at Somerknoll Drive, northeast corner;
- 3) Winding Arch Drive at Herndon Road, northwest and southeast corners; and
- 4) Caverstone Drive at Winding Arch Drive, northwest corner.

SUBJECT: STOP SIGNS - WOODSTONE/CROASDAILE FARM

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 8:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- 1) Millspring Drive at Croasdaile Farm Parkway, southwest corner;
- 2) Bittersweet Drive at Croasdaile Farm Parkway, southwest corner; and
- 3) Millspring Drive at Bittersweet Drive, southeast corner.

SUBJECT: STOP SIGNS - RIDGEWOOD SUBDIVISION

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 8:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- 1) Gladstone Drive at Mineral Springs Road, west corner; and
- 2) Cloverdale Drive at Daniel Road, northwest corner.

SUBJECT: STREET ACCEPTANCE

MOTION by Council Member Larson seconded by Council Member Miller

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to accept certain streets, as listed below, for maintenance by the City of Durham was approved at 8:57 p.m. by the following vote:
Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

1. Grady Road - from the centerline of Hester Road west thru the cul-de-sac (388')
2. Hideaway Lane - from the end of existing pavement at STA 9 + 99 west thru the cul-de-sac (225')
3. Atterbury Lane - from the end of existing pavement at STA 9 + 00 wst to the centerline of Mandel Road (900')
4. Guinevere Court - from the centerline of Atterbury Lane south thru the cul-de-sac (541')
5. Guinevere Court - from the centerline of Atterbury Lane north thru the cul-de-sac (377')
6. Kaitlin Drive - from the centerline of Cook Road southeast to the centerline of Deep Forest Drive (708')
7. Deep Forest Drive - from the centerline of Kaitlin Drive north to the end of construction (193')
8. Deep Forest Drive - from the centerline of Kaitlin Drive south thru the cul-de-sac (625')
9. Andi Court - from the centerline of Kaitlin Drive westward thru the cul-de-sac (295')
10. Highplains Road - from the centerline of Deep Forest Drive westard thru the cul-de-sac (328')

[GENERAL BUSINESS AGENDA]

SUBJECT: Sewer Main - Whitfield Road from Morreene Road to Turnage Heights Outfall

Due to an objection, Lee Murphy of the Public Works Department, requested that the Meyers properties be referred to the Public Works Committee for further consideration.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no further objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller

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to adopt a resolution confirming the assessment roll for sewer main on Whitfield Road from Morreene Road to Turnage Heights Outfall and to refer the Meyers properties to the Public Works Committee for further consideration was approved at 8:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: Water Main - Grouchos Road from East Property Line Orange County Tax Map 5.25..85 Eno Township to West Property Line of Orange County Tax Map 5.25..81

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution confirming the assessment roll for water main on Grouchos Road from east property line Orange County Tax Map 5.25..85 Eno Township to west property line of Orange County Tax Map 5.25..81 was approved at 8:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: Curb, Gutter and Paving - Yosemite Circle from Castell Drive East to Through Cul-de-sac

Due to an objection, Lee Murphy of the Public Works Department, requested that the McMillian properties be referred to the Public Works Committee for further consideration.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no further objections and/or allegations, the public hearing was declared closed

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution confirming the assessment roll for Curb, Gutter and Paving on Yosemite Circle from Castell Drive east to through cul-de-sac and to refer the McMillian properties to the Public Works Committee for further consideration was approved at 9:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: Water and Sewer Laterals - Yosemite Circle from Castell Drive East to Through Cul-de-sac

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Due to an objection, Lee Murphy of the Public Works Department, requested that the McMillian property be referred to the Public Works Committee for further consideration.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no further objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution confirming the assessment roll for water and sewer laterals on Yosemite Circle from Castell Drive east to through cul-de-sac and to refer the McMillian property to the Public Works Committee for further consideration was approved at 9:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: Curb, Gutter and Paving - Ebon Road from Fayetteville Road to Grundy Street

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution confirming the assessment roll for curb, gutter and paving on Ebon Road from Fayetteville Road to Grundy Street was approved at 9:01 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: Water and Sewer Laterals - Ebon Road from Fayetteville Road to Grundy Street

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution confirming the assessment roll for Water and Sewer Laterals on Ebon Road from Fayetteville Road to Grundy Street

was approved at 9:01 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

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SUBJECT: Sidewalk - Grant Street (West Side) from East Pettigrew Street South to Merrick Street

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution confirming the assessment roll for sidewalk on Grant Street (West Side) from East Pettigrew Street south to Merrick Street was approved at 9:01 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: Sewer Main - South Alston Avenue from North Property Line Tax Map #406-3-10 to South Property Line Tax Map #406-3-9A (Enabling Act Authority)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution ordering sewer main improvements on South Alston Avenue from north property line Tax Map #406-3-10 to south property line Tax Map #406-3-9A under the Enabling Act Authority was approved at 9:02 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: Curb, Gutter and Paving and Water and Sewer Laterals - Rockford Road from Chowan Avenue South to South property Line Tax Map 408-13-5

To adopt a resolution ordering curb, gutter and paving and water and sewer laterals on Rockford Road from Chowan Avenue south to south property line Tax Map 408-13-5.

Lee Murphy, of the Public Works Department, requested that this item be referred to the Public Works Committee and the public hearing continued without further advertisement.

MOTION by Council Member Larson seconded by Council Member Miller to continue the public hearing without further advertisement and refer this item to the Public Works Committee was approved at 9:03 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox,

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Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller.
Noes: None. Absent: None.

SUBJECT: ZONING MATTER CASE P98-47 (REVISED), STATE PROPERTIES LLC, RODDY JONES AND TED ROYAL, NORTHWEST CORNER OF THE INTERSECTION OF HOPE VALLEY ROAD AND GARRETT ROAD

Case: P98-47 (Revised) [**Public Hearing Continued from the March 15, 1999 City Council Meeting**]

Applicant: State Properties LLC. (Roddy Jones and Ted Royal)

Location: 5.02 acres on the northwest corner of the intersection of Hope Valley Road and Garrett Road, identified as Tax Map 426, Block 1, Parcels 8A, 8B, 9A, 9B, 9C, 10A, 11, 12, 13 and 14

Request: Rezoning from R-10 (Residential 10 District), OI-1 (Transitional Office and Institutional District), and NC (Neighborhood Commercial District); F/J-B (Falls/Jordan Protected Area) Overlay to NC(D) (Neighborhood Commercial District with a Development Plan), and OI-1(D) (Transitional Office and Institutional District with a Development Plan); F/J-B (Falls/Jordan Protected Area) Overlay

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-10, OI-1 and NC; F/J-B and placing same in and establishing same as NC(D), OI-1(D); F/J-B.

Zoning Committee's Recommendation and Vote: Approval (5-2) on this request as GC in February--the request is now for NC(D)

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Proponents

Attorney Travis Porter, representing the applicant, spoke in support of the request. He noted the previous request was for a office condominium, a pharmacy along with an upscale grocery store. He noted council raised questions that the previous General Commercial request would permit some undesirable uses. Responding to council concerns, Attorney Porter noted that the applicant has made changes accordingly requesting a Neighborhood Commercial zoning thus eliminating any possibility of undesirable uses. Also, he noted the applicant has reduced the intensity of use by deleting about 9,000 square feet of commercial and substituting an upscale restaurant with proposed grocery. Attorney Porter noted the area was no longer attracted to citizens for residential use and urged the support of council.

Frances Atkins, a resident of Hope Valley Road, spoke in support of the request. She noted the neighborhood is no longer residential and her quality of life has been impeded.

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Harvard Smith spoke in support of the request. He noted the property in question should not be residential.

Opponents

Dave Slade, representing the Hope Valley Farms Neighborhood Association, spoke in opposition to the request for the following reasons: 1) increased traffic; 2) failure to comply with the Small Area Development Plan; 3) the large amount of impervious surface this proposal will add; and 4) the approval of the request will further allow commercial development to encroach on existing neighborhoods.

Elizabeth Steenbergen, a resident of Malvern Road, spoke in opposition to the request noting concerns of traffic.

Richard Broughtton, representing Valley Brook Neighborhood, spoke in opposition. He noted the proposed five lanes of traffic would create crazy turning patterns, rapid ingress and egress from drive thrus and parking lots. Mr. Broughtton asked the council to consider their neighborhood for the quality of life and not for the automobiles driving through them.

Jim McDonald, representing Hope Valley Neighborhood Association, noted his board was unanimously opposed to this rezoning request. He stated the proposal violates existing land use policies; serves to promote commercial sprawl; and further deteriorates the function of the 751 corridor. Also, Mr. McDonald stated they were concern with institutions which sell alcohol or tobacco products next to schools or city parks.

Rebuttal

Attorney Travis Porter noted the residents of the Woodcroft Community located right across the street from the proposed rezoning, along with other adjacent neighborhoods, have not voiced any opposition. He noted the objections tonight are exactly the same made by the same four or five people who opposed every use at every stage proposed. Attorney Porter stated the plan being submitted was a good plan and the city staff, along with the applicant, have worked to make sure the council's policies are satisfied.

The public hearing was declared closed by Mayor Tennyson.

Earl Lewellyn, of the Transportation Division, briefed council on the transporation study for the 751 corridor. He also noted the proposed traffic improvements regarding this proposed rezoning.

Council Member McKissick stated the improvements being proposed as a part of this project were reasonably adequate.

A motion was made by Council Member McKissick to approve the rezoning request. This motion was seconded by Council Member Cox.

Council Member Blyth spoke in opposition to the request due to the

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impervious surface and the proposal not conforming with policies of the Southwest Durham Plan. Also, Council Member Blyth raised concerns with the traffic analysis and she urged her colleagues to deny the request; listen to the citizens; and protect the quality of life in the neighborhoods.

Council Member Miller opposed the request due to the increase in impervious surface and the proposal not offering a good transition from 751/54 intersection to the Garrett Road intersection down Hope Valley Road.

Council Member Cox noted the proposal presented this evening was a much better plan than the previous one submitted. Also, Council Member Cox noted the development plan notes attached made reference to many of the issues raised.

MOTION by Council Member McKissick seconded by Council Member Cox to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-10, OI-1 and NC; F/J-B and placing same in and establishing same as NC(D), OI-1(D); F/J-B was approved at 9:54 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Langley, Cox, McKissick, Jacobs, Griffin and Brown. Noes: Mayor Tennyson and Council Members Burnette, Larson, Miller, Engelhard and Blyth. Absent: None.

SUBJECT: ZONING MATTER CASE P98-80, BARBEE ROAD ASSOCIATES, LLC., EAST AND WEST SIDES OF BARBEE ROAD NORTH OF THE I-40 OVERPASS

Case: P98-80

Applicant: Barbee Road Associates, LLC.

Location: 192.8-acre site on the east and west sides of Barbee Road starting 1,000 feet north of the I-40 overpass, identified as Tax Map 521, Block 1, Lots 1, 2, 3, 5 and 6; Block 2, Lot 28; and Tax Map 548, Block 1, Lot 15 and parts of 23, 32, 33, and 40

Request: Rezoning from R-20 (Residential 20 District), I-1 (Industrial Park District) and I-2 (Light Industrial District); F/J-B (Falls/Jordan Protected Area) and MTC (Major Transportation Corridor) Overlays to PDR-5.37 (Planned Density Residential District with 5.37 units per acre); F/J-B (Falls/Jordan Protected Area) and MTC (Major Transportation Corridor) Overlays

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20, I-1, and I-2; F/J-B and MTC and placing same in and establishing same as PDR-5.37; F/J-B and MTC.

Zoning Committee's Recommendation and Vote: Approval (7-0) with revisions to Staff's Recommendations

City Manager's Recommendation: Approval of Staff's Recommendations

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Nazeeh Abdul-Hakeem, of the City/County Planning Department, addressed council requesting that the applicant add a note to the development plan stating "Provide an interconnection with Exchange Place including land acquisition and road construction at the expense of the developer. If condemnation is required, all expenses of condemnation will be paid by the developer."

Proponents

Attorney Jack Markham, representing the applicant, spoke in support of the request. Attorney Markham briefed council on the proposed development noting the consistency with the medium density residential recommendation of the South Durham Plan. Mr. Markham requested council's support of the request.

Opponents

Joan Davis, representing Woodlake Homeowners' Association, noted concerns with drainage and traffic. Ms. Davis stated that pod 7 would drain into their neighborhood and currently they are experiencing problems with storm water drainage. Also, she stated the traffic impact study did not include an analysis of their entrance ways.

Janine Zanecki, representing the Woodcreek Homeowners, raised objection regarding Penley Court being opened for vehicular traffic through the Herndon Estates. Ms. Zanecki asked council not to connect Woodcreek to Herndon Estates.

Charlie Buckner, representing Bluestone Estates, asked that the area be developed in a way to preserve the quality of their lives and values of their properties. Mr. Buckner noted the residents of Bluestone Estates expressed their approval of the rezoning with the condition that the development plan include several modifications as follows: 1) require the installation of a traffic signal at the intersection of Woodcroft Parkway and Carpenter Fletcher Road and current with the initial road construction; 2) allow the relocation of a portion of Woodcroft Parkway right-of-way 10 feet further south providing a minimal buffer between the parkway and homes; and 3) add a provision stating that the parkway shall be constructed to minimize the cut and fill along the area south of Bluestone Road and to maximize the right-of-way area available to the public.

Pete Schubert, representing Carpenter Fletcher's Neighborhood Association, noted if this proposal is approved it will add over 200 new students to the Durham Public Schools in the next one to two years. He noted the developer's unwillingness to provide connector streets to Woodcreek, Bluestone Estates to the north and _____ to the south.

Steve Bocckino, a resident of Abron Drive, addressed council noting that this development would have a population of 219 school age children. He noted if the request was approved, the council would be subsidizing this development in the amount \$3.1 million

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for schools along.

Thad Howard, Member of the Carpenter Fletcher's Homeowners Association, noted the city needed to think neighborhoods and roads when developments are allowed.

Rebuttal

Bill Spang, the applicant, noted they have committed to the connection at the south providing the city allows condemnation or help them gain the other side of the southern boundary. Mr. Spang noted the comments made by Woodlake they have agreed to them and they have been working with the Bluestone resident to help solve the right-of-way problem and he believed they could move the roadway south.

Al Williford noted the TIA was done in accordance with the guidelines. He noted they have recommended a signal at Barbee Road and Woodcroft Parkway and felt it would be warranted at this location.

For clarification, Mayor Tennyson asked Mr. Spang if he was agreeing to all costs for the condemnation and installing the road.

Bill Spang stated he was not familiar with the condemnation process. He also stated a question has been raised whether the council will go forward with a condemnation and if council chose not to condemn, he would like to utilize the land. Mr. Spang stated he was committed to making the connection if the council has the willingness to go forward with the condemnation.

Mayor Pro Tempore Clement asked the applicant if he was willing to install a traffic light at the intersection of Woodcroft Parkway and Carpenter Fletcher Road.

Attorney Jack Markham replied yes.

The administration was asked to note the installation of a traffic light at the intersection of Woodcroft Parkway and Carpenter Fletcher Road on the development plan.

Council Member Jacobs asked if the concerns regarding the drainage and the traffic flow had been addressed.

Nazeeh Abdul-Hakeem, of the City/County Planning Department, noted the analysis of the storm water concern will be addressed during the site plan stage.

Mayor Tennyson asked Ms. Davis if her concern regarding traffic had been adequately addressed by the applicant and the staff.

Ms. Davis replied yes. She noted the developer did agree with the two additional issues [the dedicated left-turn lane from Woodcroft onto Fayetteville Road and from Barbee Road turning onto Forest Ridge the applicant agreed to double the left _____ storage].

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Mayor Tennyson asked Mr. Spang if that was accurate.

Mr. Spang replied yes.

A motion was made by Council Member Jacobs to approve the rezoning request. This motion was seconded by Mayor Pro Tempore Clement.

For clarification, Earl Lewellyn noted there was a traffic signal assumed in the analysis and recommended at the intersection of Woodcroft Parkway and Barbee. He noted there is not a signal recommended by staff at the intersection of Woodcroft Parkway and Carpenter Fletcher Road.

Council Member McKissick asked what would be the Level of Service with the signal and without the signal at the intersection of Woodcroft Parkway and Carpenter Fletcher Road.

Earl Lewellyn stated without a signal it would be Level of Service A and with a signal it would be Level of Service A.

Discussion was held on the construction of trails.

The applicant stated he agreed to extending trails into the sewer easement running north-south thru the property.

Council Member McKissick asked the staff to add a note regarding the extension of trails to the development plan.

Council Member McKissick asked if the concerns raised by the neighbors regarding transportation improvements had been addressed effectively.

Earl Lewellyn replied yes with the recommended roadway improvements as indicated in the staff report as well as those offered tonight.

Council Member Engelhard noted she could not vote in favor for the request this evening due to the numerous transportation requests, drainage concerns, and the opening of Woodcroft Parkway.

At this time, a slide presentation was presented showing the new portion of the parkway as median divided and the Highgate turn lanes.

Council Member Blyth stated she could not approve a project that builds the parkway with the same type of intersection it currently has. Also, she raised concern with the relocation of the road.

SUBSTITUTE MOTION by Council Member Engelhard seconded by Council Member Blyth to continue the public hearing without further advertising until the June 21, 1999 City Council Meeting **FAILED** at 11:05 p.m. by the following vote: Ayes: Council Member Langley, Miller, Brown, Engelhard and Blyth. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cox, Griffin,

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Jacobs, Larson and McKissick. Absent: None.

At this time, Mayor Tennyson restated the original motion for council.

For the record, Mr. Spang agreed to the note regarding the interconnection with Exchange Place and costs of condemnation.

Mayor Tennyson informed the council that he was employed by the Home Builders' Association and Mr. Spang was a member. The Mayor noted Mr. Spang did not have any direct impact on his livelihood.

MOTION by Council Member Jacobs seconded by Mayor Pro Tempore Clement to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20, I-1, and I-2; F/J-B and MTC and placing same in and establishing same as PDR-5.37; F/J-B and MTC; and

To include a note on the plan stating the following "Provide an interconnection with Exchange Place including land acquisition and road construction at the expense of the developer and if condemnation is required, all expenses of condemnation will be paid by the developer" was approved at 11:07 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: Council Members Burnette, Engelhard and Blyth. Absent: None.

At this time, Council Member Brown asked that council reconsider the vote on GBA #10 [Zoning Case P98-47, State Properties].

For the record, City Clerk Bowers noted that Council Member Brown voted in favor of the rezoning request earlier in the meeting.

A motion was made by Council Member Brown to reconsider the vote taken on GBA #10 [Zoning Case P98-47, State Properties]. This motion was seconded by Council Member Blyth.

Several Council Members spoke in opposition to the motion noting that the applicants were no longer present.

MOTION by Council Member Brown seconded by Council Member Blyth to reconsider GBA #10 [Zoning Case P98-47, State Properties] **FAILED** at 11:10 p.m. by the following vote: Ayes: Council Members Burnette, Miller, Engelhard, Brown and Blyth. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Langley, Cox, Griffin, Jacobs, Larson and McKissick. Absent: None.

SUBJECT: ZONING MATTER CASE P99-5, STEVEN A. BARDEN, WEST SIDE OF SOUTH ALSTON AVENUE, SOUTH OF RIDDLE ROAD

Case: P99-5

Applicant: Steven A. Barden

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Location: 6.93 acres on the west side of South Alston Avenue, south of Riddle Road (Tax Map 406-3-7A, 8, 9A, 9, 10, and 11)
Request: Rezoning from I-1 (Industrial Park District) to R-5 (Residential 5 District)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of I-1 and placing same in and establishing same as R-5.

Zoning Committee's Recommendation and Vote: Approval (6-1)

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Steven Barden, the applicant, spoke in support of this request.

No one spoke in opposition. The public hearing was closed by the Mayor.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of I-1 and placing same in and establishing same as R-5 was approved at 11:13 p.m. by the following vote:
Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: Council Member Blyth.
Absent: None.

SUBJECT: ZONING CASE P99-8, BILL CRAWLEY, NORTHWEST CORNER OF AVONDALE DRIVE AND PHELPS STREET

Case: P99-8

Applicant: Bill Crawley

Location: 0.92 acre on the northwest corner of Avondale Drive and Phelps Street (Tax Map 118-5-1 partial)

Request: Rezoning from I-2 (Light Industrial District); F/J-B (Falls/Jordan Protected Area) Overlay to GC (General Commercial District); F/J-B (Falls/Jordan Protected Area) Overlay

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of I-2; F/J-B and placing same in and establishing same as GC; F/J-B.

Zoning Committee's Recommendation and Vote: Approval (7-0)

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no

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objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of I-2; F/J-B and placing same in and establishing same as GC; F/J-B was approved at 11:13 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: Council Member Blyth. Absent: None.

SUBJECT: ZONING ORDINANCE TEXT AMENDMENT - INTERIM TRANSIT OVERLAY DISTRICT (TC83-99)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to receive citizens' comments concerning a proposed Zoning Ordinance text amendment to establish a Transit Overlay District; and

To adopt "An Ordinance to Amend the Durham Zoning Ordinance to Establish a Transit Overlay District" was approved at 11:14 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: Council Member Blyth. Absent: None.

[OTHER MATTERS]

SUBJECT: TAXICAB COMMISSION REPORT - APRIL 28, 1999 MEETING

To receive a report from the Taxicab Commission and to take action on the following recommendations of the Taxicab Commission pursuant to Section 22-159.10 of the Durham City Code:

a. Transfer of Operator's Licenses:

1) J & L Cab #100 (Mr. James Smith to Mr. Malik Eldin)

Taxicab Inspector's Recommendation: Approve transfer of Operator's License #100 (in accordance with City Code)

Taxicab Commission's Recommendation: Approve transfer of Operator's License #100. Vote 4-0

MOTION by Mayor Pro Tempore Clement seconded by Council Member Langley to approve the Taxicab Commission's recommendation

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[approve transfer of operator's license #100] was approved at 11:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

2) Manhattan Cab #71 (Mr. Leroy Morris to Ms. Tejuana Roberson)

Taxicab Inspector's Recommendation: Approve transfer of Operator's License #71 (in accordance with City Code)

Taxicab Commission's Recommendation: Approve transfer of Operator's License #71. Vote 4-0

MOTION by Mayor Pro Tempore Clement seconded by Council Member Langley to approve the Taxicab Commission's recommendation [approve transfer of operator's license #71] was approved at 11:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

3) Kenan's Cab #167 (Mr. Donald Kenan to Mr. Pernell Canaday)

Taxicab Inspector's Recommendation: Approve transfer of Operator's License #167 (in accordance with City Code)

Taxicab Commission's Recommendation: Approve transfer of Operator's License #167. Vote 4-0 with 1 abstaining

MOTION by Mayor Pro Tempore Clement seconded by Council Member Langley to approve the Taxicab Commission's recommendation [approve transfer of operator's license #167] was approved at 11:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

b. Denial of Taxicab Driver's Permit - Ms. Evangline Roberson

Taxicab Inspector's Recommendation: Deny Driver's Permit (in accordance with City Code)

Taxicab Commission's Recommendation: Approve issuance of Driver's Permit. Vote 4-1.

A motion was made by Mayor Pro Tempore Clement to approve the Taxicab Commission's recommendation [approve issuance of driver's permit for Evangline Roberson]. This motion was seconded by Council Member Cox.

A substitute motion was made by Council Member Larson to approve the Taxicab Inspector's recommendation [deny driver's permit].

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Ms. Evangline Roberson addressed council requesting their support of her driver's permit.

SUBSTITUTE MOTION by Council Member Larson seconded by Council Member Blyth to approve the Taxicab Inspector's recommendation [deny driver's permit of Ms. Evangline Roberson] **FAILED** at 11:18 by the following vote: Ayes: Council Members Blyth, Engelhard, Griffin, Larson and Miller. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Langley, Burnette, Cox, Jacobs, McKissick and Brown. Absent: None.

MOTION by Mayor Pro Tempore Clement seconded by Council Member Cox to approve the Taxicab Commission's [approve issuance of driver's permit for Evangline Roberson] was approved at 11:18 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: Council Member Blyth. Absent: None.

[ITEM PULLED FROM THE CONSENT AGENDA]

SUBJECT: PASSENGER VEHICLES FOR HIRE ORDINANCE

Mark Ahrendsen addressed council on the following concerns raised by the local taxicab industry: 1) number of permits issued during the year; 2) appeals to Council; 3) requiring the operators to report address changes of drivers; 4) single cab company colors; 5) inspection fees; and 6) child safety seats. Mr. Ahrendsen stated they have reached an agreement on all concerns with the exception of the child safety seat requirement. He asked that council maintain this requirement as part of the ordinance [each taxi have at least one available approved child safety seat].

A motion was made by Council Member Cox to approve the item. This motion was seconded by Council Member Langley.

Attorney Jack Markham addressed council noting concerns with child safety seats being required in cabs. He stated no other cities in North Carolina had this requirement and he requested that this provision be removed from this ordinance.

A substitute motion was made by Council Member Brown to approve the Taxicab Ordinance and child safety seat requirements be in accordance with state law. This motion was seconded by Council Member McKissick.

It was noted that the staff would develop a pilot project relative to issues on child safety seat requirements.

Council Member Larson requested a friendly amendment to the motion "change of address of drivers shall be reported to owners and inspector."

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Council Member Miller expressed concern with the 180 cap on the issuance of permits. He stated 180 was a low amount for Durham's population.

SUBSTITUTE MOTION TO THE SUBSTITUTE by Council Member Miller seconded by Council Member Langley to adopt "An Ordinance Rewriting the Provisions of Article I-III, Chapter 22 of the Durham City Code Pertaining to Passenger Vehicles for Hire" as amended [including the following] 1) child safety seat requirements are in accordance with state law; 2) change of address of drivers shall be reported to owners and inspector; and 3) the initial number of operating permits available for issuance shall be set at 250 **FAILED** at 11:55 p.m. by the following vote: Ayes: Mayor Tennyson and Council Members Blyth, Engelhard, Langley, Larson and Miller. Noes: Mayor Pro Tempore Clement and Council Members Burnette, Cox, McKissick, Jacobs, Griffin and Brown. Absent: None.

SUBSTITUTE MOTION by Council Member Brown seconded by Council Member McKissick to adopt "An Ordinance Rewriting the Provisions of Article I-III, Chapter 22 of the Durham City Code Pertaining to Passenger Vehicles for Hire" **with the following changes** was approved at 11:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: Council Member Blyth. Absent: None.

- * Revise Section 22-76 to use the term "operating permit holder" instead of "owner" when referring to taxicab business.
- * Revise Section 22-97(b) to include language that driver companion be "at least" eighteen (18) years of age
- * Revise Section 22-145(b) to identify person who is required to have financial responsibility as "operating permit holder" and delete reference to "any person owning or causing any passenger vehicle for hire to be operated."
- * Revise Section 22-153(d) by adding language to limit the sinking trust fund to paying claims against persons engaged in taxicab business--place the following sentence at the end of Section 22-153(d);

"The trust fund shall not pay notes, checks, open accounts, or other debts of any member thereof and may only be used for the purposes set forth herein."
- * Revise Section 22-158 by deleting language at the end of Section--"and other for hire vehicles."

To approve Attachment #2 regarding violations and civil penalties and Attachment #3 regarding fees.
- * Child safety seat requirements are in accordance with state

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law [staff will develop pilot project regarding child safety seat requirements]

- * Change of address of drivers shall be reported to owners and inspector

There being no further business to come before the Council, the meeting was adjourned at 11:55 p.m.

D. Ann Gray, CMC
Deputy City Clerk

Margaret M. Bowers, CMC
City Clerk

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